

Serial No. 10/627,093
Docket No. AO694

Examiner: N.R. Kramer
Art Unit: 3762

REMARKS

This Amendment is being filed in response to the outstanding Office Action dated July 17, 2006. Reconsideration and allowance of this application in view of the amendments above and remarks to follow is respectfully requested.

Claims 1-14 have been cancelled without prejudice. New claim 22 has been added. Thus, claims 15 and 18-22 remain pending.

Claims 15 and 18-21 stand rejected as being anticipated by Oglesby (U.S. Patent No. 6,783,482). Applicant respectfully traverses this rejection.

As now amended, claim 15 more particularly recites that the method comprises the steps of continuously generating the out of zone alert as long as (i) the sampled heart rate value fails to satisfy the effective condition and (ii) a predetermined continuous period of time has not expired, and upon determining that the continuous period of time has expired, suppressing further generation of the out of zone alert even if a next successive sampled heart rate value fails to satisfy the effective condition. This suppression is continued for successive sampled heart rate values that fail to satisfy the effective condition until a sampled heart rate value satisfies the effective condition. Once the sampled heart rate value does satisfy the effective condition, there is an indication thereof. Applicant respectfully submits that the foregoing methodology is patentably different from that described in Oglesby.

Specifically, as described and illustrated by the flowchart in Fig. 13 of Oglesby, it is respectfully submitted that if the user's heart rate falls outside the "zone" (e.g. a "no" decision in step 172) the process proceeds to step 180 where it is determined whether the heart rate range/zone was reached. Assuming "yes" to this inquiry, the process steps to block 182.

In view thereof, Applicant respectfully submits that this sequence is not "time-bounded," which is a feature of Applicant's claim. Specifically, in Oglesby, if the user's heart rate continually remains outside the "zone" in this example, the message "Leaving Target HR Zone" would continually be displayed essentially for as long as the user's HR was (e.g.) constant but nevertheless outside the "zone."

{W1403661;4}

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As stated in Oglesby at column 8, lines 41-46, "... if the user's heart rate was in the zone, but then changes so as to no longer be in the zone as determined at a decision block 180, an exit message such as "LEAVING TARGET HEART RATE ZONE" is displayed on the displays 14 or the dedicated display as shown at a block 182 ..." Applicant respectfully submits, as best understood, that Oglesby does not describe or suggest suppressing the aforementioned message after a period of time that the user's HR has remained outside the "zone," and only to continue to suppress the signal until the sampled heart rate value satisfies the effective condition, as claimed. That is, it appears that Oglesby describes and suggests that, in the example where a user after entering the zone and/or otherwise satisfying the decisions in steps 172 and 180, maintains a HR below the zone for an extended period (which is not defined), the out of zone alert will continue. This is in stark contrast to Applicant's claimed invention, whereby for example, after e.g. 30 seconds, assuming the user's heart rate was still outside the zone, the claimed methodology would stop alerting the user thereof. Oglesby describes continued generation of the out of zone alert.

It is thus respectfully submitted that there is no description or suggestion in Oglesby of (among other things) suppressing further generation of the out of zone alert after a predetermined time that the heartrate has continuously failed the condition, as claimed. In view thereof, Applicant respectfully submits that claims 15 and 18-21 are allowable over the cited Oglesby patent and notice to this effect is earnestly solicited.

New claim 22 is respectfully submitted to be allowable for the reasons noted above with respect to claim 15.

CONCLUSION

Applicant respectfully submits that the foregoing is a full and complete response to the Office Action of record and believe and that claims 15 and 18-22 are now in condition for allowance and an indication of allowability and an early Notice of Allowance of claims 15 and 18-22 is respectfully requested. In view of the cancellation of claims 1-14, no extra claim fee for claim 22 is believed to be needed.

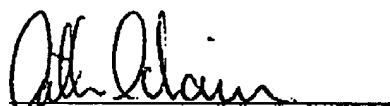
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However, if any issues still exist that would prevent the issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at (203) 575-2629 prior to the issuance of the next office action.

Respectfully submitted,



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